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Wilson, Erin

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## Protecting the unprotected: reconceptualising refugee protection through the notion of hospitality

Erin K. Wilson<sup>1</sup>

### Abstract

The international refugee protection regime has come under increasing pressure in recent times, as a result of changing global realities. There have been a number of recent proposals to reform the regime in response to new challenges. Yet these schemes founder at the point where state co-operation is required for implementation. At a time when the rights of vulnerable individuals are increasingly precarious, states appear more unwilling than ever to offer protection. As a result, protection has become focused on legal requirements and technicalities, with only occasional consideration of its moral and ethical implications. This is a major challenge to the spirit in which refugee protection was originally conceived as a concept in international law. In this article, I attempt to rethink international protection to emphasise its ethical dimensions alongside its legal, technical and political aspects. I explore the contribution that an ethics of hospitality could make to the rights-based framework through which protection is traditionally approached. I argue that hospitality offers a way to reconceptualise the relationship of the state vis-à-vis the individual that addresses current conceptual and practical shortcomings. In this way the paper opens up potential new ways of thinking about how to ensure the security and safety of some of the world's most vulnerable people.

The international refugee protection regime has come under increasing pressure in recent times. Much has changed in the almost sixty years since the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol (hereafter the Refugee Convention) came into force. The Cold War has ended, bringing immense change in the structure of the international system and affecting the political and strategic significance of refugees.<sup>2</sup> New sources of migration have arisen. Scholars and practitioners increasingly recognise that the reasons people flee are more complex than

those allowed for in the current international refugee regime.<sup>3</sup> The sheer numbers of refugees, asylum seekers and other persons of concern have altered dramatically. In 2009-2010 the Office of the United Nations High Commissioner for Refugees (UNHCR) identified a total population of concern of nearly 34.5 million people.<sup>4</sup> In the early 1950s the number of persons of concern was estimated at 2.1 million.<sup>5</sup> While some alternative protection regimes have developed in specific regions, by and large international protection mechanisms remain inadequate for coping with the legal, political, ethical and moral challenges that forced migration presents.<sup>6</sup>

There have been a number of calls recently to reform international protection laws and procedures in response to these challenges. Proposals range from altering the definition of the refugee under international law; introducing international institutions to deal with new causes of migration and migrant populations who fall outside the Refugee Convention definition of a refugee; and establishing consistency in the operation of the international refugee regime, including the interpretation and application of the Refugee Convention.<sup>7</sup>

As worthy as many of these proposals are, almost all of them founder at the point at which state co-operation and agreement is required for implementation. Current state policies, particularly in developed countries, are focused on reducing rather than increasing the number of people to whom they provide protection.<sup>8</sup> Restrictive asylum policies are an increasingly common feature of governments' efforts to placate their constituents' anxieties about border control in the context of an increasingly globalised world.<sup>9</sup> The recent Australian federal election campaign was no exception in this regard. Both major parties outlined 'tough border protection' policies with little emphasis on compassion, humanitarianism and good international citizenship, once so important to Australia's identity and international reputation.<sup>10</sup> At a time when the rights of vulnerable individuals are increasingly precarious, states appear to be more unwilling than ever to offer protection and assistance. Protection has become focused on legal requirements and technicalities, with only occasional consideration of its moral and ethical implications. This is a major challenge to the spirit in which refugee protection was originally conceived in international law.

This article attempts to reconceptualise international protection in order to emphasise its ethical dimensions alongside its legal, technical and political aspects. Current approaches often position the rights of unprotected individuals and the rights of states as oppositional (and even as a threat) to one another. While it may be possible to overcome this antagonistic relationship through changes in international law, this clash seems to stem from more fundamental assumptions regarding the relationship between individuals and states. This is, therefore, a conceptual, rather than a purely practical problem. Approaches to protection are predominantly understood within a liberal rights based discourse. Rights are undoubtedly an important and significant development in political thought and practice. However, the

legal discourse of rights can foster a minimalist approach by states, wherein states agree to provide basic rights protection, *but no more*.

In an effort to broaden the conceptual and discursive framework in which international protection is considered, I explore the possibilities for a shift from a purely rights-based framework to one that incorporates insights from an ethics of hospitality. Hospitality is a theoretical approach that provides a way for problematising or upsetting traditional roles of 'host' and 'guest' or Self and Other. It emerges out of ancient traditions of hospitality or welcome to the stranger/foreigner and features in the philosophical and political writings of Kant, Levinas and Derrida, among others.<sup>11</sup> By shifting the roles of host and guest, hospitality offers the prospect of conceiving the relationship between state and individual in more fluid, mutually beneficial and mutually obligated ways. Rights-based frameworks cast the relationship between state and individual as one where the refugee is the beneficiary of the host state's protection. The individual in this context is dependent on the state for protection and for the realisation of their rights, with little recognition of the ways in which the state is dependent on the individual for its identity, power and authority. A perspective grounded in the notion of hospitality, by contrast, casts both state and individual in the roles of host *and* guest. The asylum seeker or refugee who begins as a 'guest', does not remain so, but can move to become a (resident/ citizen) 'host'. Equally, the state is not permanently host, but is sometimes a guest of the guest. The host/state is always obligated to the guest for their identity (in that there can be no host without a guest). Hospitality reminds us of the shifting nature of identities and therefore of their enduring importance within international protection practices.

Before addressing the insights of hospitality in more detail, I begin by presenting a broad overview of the main problems with current protection mechanisms and some recent proposals aimed at addressing these problems. While many of the proposals have merit, they remain limited by a problematic conceptual approach to the state vis-à-vis the individual. In the third section I reconceptualise this relationship, moving from a rights-based framework to one that incorporates an ethics of hospitality. I do not attempt to offer a fixed solution here. Rather, I endeavour to open up some potential new ways of thinking about how to ensure the security and safety of some of the world's most vulnerable people. I conclude with some reflections on how such a framework would affect the practice of protection in global politics.

### Definitions and caveats

It is important to state from the outset that this paper is written predominantly with reference to countries of asylum, in particular developed countries such as Australia, the United States and European Union (EU) countries. My discussion will focus primarily on the Refugee Convention that has been ratified by a majority of countries of asylum and that continues to inspire other relevant legal instruments.<sup>12</sup>

Part of the goal of this paper is to highlight problems with how the terms 'refugee' and 'asylum seeker' are understood within international law and domestic and global politics. Nonetheless, it is helpful to set out some conceptual boundaries at the beginning. The definition outlined in the Refugee Convention classifies refugees as anyone who

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.<sup>13</sup>

Despite the problems and shortcomings with this definition, I maintain this definition when I use the term 'refugee' throughout the paper.

I define 'asylum seeker' as people who have claimed asylum but are yet to have their refugee status determined, and also, following Stephen Castles, as people who attempt to cross state borders in search of protection but who may not fulfil the strict criteria for refugee status set down under the Refugee Convention.<sup>14</sup> It is important to note, however, that the UNHCR now attempts to avoid using 'asylum' and 'asylum seekers' in its publications and documents. UNHCR determined that these concepts now carry 'overwhelmingly negative connotations in the minds of policy makers, the public and the media, especially in the more prosperous regions of the world.'<sup>15</sup> Nonetheless, the persistent usage and currency of the phrase in the debate surrounding international protection at a variety of levels makes it important to include.

The UNHCR identifies a number of other groups of people among its 'persons of concern', including persons in refugee-like situations, internally displaced persons (IDPs), returned refugees and stateless persons.<sup>16</sup> Purely for the sake of brevity, I shall employ Fortin's terminology of 'unprotected persons' throughout this paper to encompass these groups of people alongside refugees and asylum seekers.<sup>17</sup> Each of these different groups of people lives in situations of insecurity, variously defined, in the international system. Whilst they are all entitled to protection as a result of the growth of human rights instruments in international law the responsibility for protection of the rights of individuals within international law still rests primarily with states.<sup>18</sup> With few exceptions, states are primarily responsible only for the protection of their own citizens and other individuals within their territorial borders, but not beyond.<sup>19</sup> While in theory states that have signed and ratified the various international human rights treaties are also responsible for upholding and protecting the human rights of all individuals in their territory regardless of their citizenship, there is no international means of enforcing this. There is also no way of saying which states specifically are responsible for the protection of which refugees,

asylum seekers, stateless persons, IDPs and so on, only that the international community as a whole is responsible. Thus, in practice, many of the groups of people of concern to the UNHCR remain unprotected.<sup>20</sup>

Following on from this discussion, it is important to define exactly what is meant by 'protection' and 'persecution', since they are central to how refugee status is determined. 'Protection' also forms the basis of international efforts to meet the needs of 'persons of concern' to the UNHCR. There is substantial argument surrounding the meaning and extent of 'protection' as outlined in the Refugee Convention and its relationship with various other human rights instruments, such as Article 14 in the Universal Declaration of Human Rights, which states that every person has the right to seek and to enjoy asylum.<sup>21</sup> Frequently, protection is interpreted as internal defence by the country of nationality or residence against persecution, primarily through the rule of law, an efficient and unbiased police force and so on.<sup>22</sup> It is when the state fails to provide such defence that the international community must intercede 'to make up for the failure of the State to protect the concerned person against the persecution feared.'<sup>23</sup> In such cases, the international community is obliged to offer protection in the form of asylum to individuals with a well-founded fear of persecution.

Exactly how persecution is defined affects who is and is not entitled to protection and what form that protection takes.<sup>24</sup> Price has highlighted that most courts within the British Commonwealth define eligibility for asylum as having 'a well-founded fear of serious harm *in addition* to a violation of human rights.'<sup>25</sup> The Refugee Convention definition suggests that this fear of serious harm and violation of rights occurs on the basis of distinct, specific personal characteristics and implies therefore that the persecution is the result of a decision or act by culpable individuals.<sup>26</sup> Yet both a well-founded fear of serious harm and violations of human rights can occur without there being any specific targeted basis for it. That is, race, religion, nationality membership of a social group and political opinion may not be a deciding factor in whose rights are violated and who fears serious harm. In addition, the serious harm and rights violations may not be the result of a decision or act by a culpable individual. In such cases, people who may legitimately fear serious harm and rights violation may nevertheless be ineligible for protection.

Further, it is becoming increasingly apparent that persecution, however it is defined, is but one of many factors from which people require protection.<sup>27</sup> As Betts has pointed out, people can require protection from 'environmental disasters, state collapse and livelihood failure', all of which can generate fear of serious harm and violations of human rights but still do not trigger eligibility for protection under current international arrangements. Admittedly, in such cases protection in the form of asylum may not be necessary, only protection in terms of ensuring the fulfilment a person's basic subsistence rights (such as access to food, clean drinking water, shelter

and health care). These services can be performed by aid and development and humanitarian organisations inside the country of origin. Yet for these organisations to provide this type of protection the state must be 'able and willing' to allow them into their territory to fulfil these basic subsistence rights. When the state is 'unable or unwilling' to allow these organisations access to their territory, arguably a case for protection in the form of asylum could be made. Yet such situations still do not necessarily constitute 'persecution' and thus individuals in these circumstances currently do not qualify for protection.

What all this serves to highlight is that defining protection is difficult and complex. Nonetheless, as a working definition of protection for this article, I suggest that protection should consist of asylum and the provision of basic security, liberty and subsistence needs,<sup>28</sup> and that protection should be offered in one or both of these forms when an individual experiences or fears serious harm and violations of rights. The source of this harm and of the rights violations—states, non-state actors, environmental disasters, market forces, acts of God—is, I suggest, largely immaterial for determining the need for protection, though it will no doubt influence who provides the protection, in what form and how it is provided.

### **The international protection regime for asylum seekers and refugees**

There are a great many criticisms of current international protection mechanisms for refugees, asylum seekers and other persons of concern. I focus here on the criticisms most prevalent in the literature. I have grouped these into two main categories: criticisms of the Refugee Convention; and criticisms arising from changes in global political, economic, social and environmental circumstances.

A central problem with the Refugee Convention is the definition of who is and is not considered a refugee. In addition to the problems already noted, there are three<sup>29</sup> key shortcomings that scholars highlight. Firstly, the stated grounds for persecution outlined in the definition are of particular concern, with a number of significant exclusions, including gender, sexual orientation, age and disability.<sup>30</sup> Several countries and regions have passed legislation stating that some or all of these characteristics should be interpreted as being included under the term 'social group' in the Refugee Convention definition, with the UNHCR itself passing such a resolution in 1985.<sup>31</sup> Nonetheless, the vague language of the definition allows states to interpret it more narrowly if they wish, despite international and regional recommendations.<sup>32</sup>

Secondly, under the Refugee Convention, refugees are limited to those who have crossed an international border, fleeing their country of origin or habitual residence and seeking asylum elsewhere. Yet, as Haddad has pointed out, people who are in urgent need of protection from an external party are not always able to cross international borders.<sup>33</sup> The UNHCR has



also identified spatial limitations as a problem with the Refugee Convention, demonstrated through their increasing concern with IDPs and their efforts to address the institutional gap in providing protection for this group of people.<sup>34</sup>

Thirdly, the Refugee Convention is inconsistently interpreted and applied across signatory states. This occurs in relation to whom states classify and identify as being refugees as well as with regard to the responsibilities of states towards those they accept as refugees within their territory.<sup>35</sup> This is particularly the case with regard to interpretations of 'persecution' and 'protection'.<sup>36</sup>

These and other problems with the Refugee Convention definition are made more acute by changes in the international system since the drafting of the Convention. At the time of drafting, the international system was highly state-centric and was characterised by the bipolar ideological conflict between the USA and USSR during the Cold War.<sup>37</sup> States were seen as the primary origin of different forms of persecution as well as the primary providers of protection from persecution. Refugees were also of strategic value in the Cold War, providing support for claims by both sides that discredited their opponents.<sup>38</sup> With the collapse of this ideological struggle, refugees no longer provide the same strategic advantage. In the post-Cold War era, refugees are often displaced owing to generalised violence as much as to direct individualised persecution.<sup>39</sup> Although regional documents such as the 1969 OAU Convention and the 1984 Cartagena Declaration do acknowledge generalised violence as a reason for flight,<sup>40</sup> neither of these is an international treaty to which a majority of states are signatories. The focus on individualised persecution also ignores other factors influencing flight, including natural disasters, poverty, disease pandemics and famine.<sup>41</sup> States and international institutions still predominantly classify people who have crossed international borders as either refugees or economic migrants, when in reality, political and economic causes of migration are often interconnected.<sup>42</sup>

Another change in global politics that has somewhat undermined the Refugee Convention is the rise of the influence of non-state actors. Whereas the Refugee Convention was originally conceived with reference to states and individuals, a growing number of non-state actors are also influencing migration, protection and rights in global politics. This includes non-state militia groups, multinational corporations, humanitarian organisations, religious groups and a host of others.<sup>43</sup> All of these groups can be the source of persecution and violence or providers of protection. Yet the terms of the Refugee Convention provide little room for the roles of such actors. Consequently, the need for protection from the actions of non-state actors is not recognised within the scope of the Refugee Convention criteria. There has also been little consideration of the roles or potential of non-state actors in providing protection.

A further recent development that has raised doubts about the enduring effectiveness of the Refugee Convention is climate change. The impact of climate change on migration patterns and flows is still unclear, although there is significant evidence that at the very least rising sea levels will create new populations of forced migrants who will require international protection and assistance.<sup>44</sup> There is also some speculation that increased frequency and intensity of droughts, hurricanes, rainfall and flooding will significantly impact migration flows, although the evidence for this is less clear.<sup>45</sup> Such events could be the source of serious harm and rights violations. Yet environmental factors are not encompassed within the Refugee Convention. The question of culpability for climate change also becomes an issue, as who is deemed responsible for climate change and therefore climate-induced disasters could also determine who is then responsible for providing protection for the victims of these disasters.<sup>46</sup>

### **Reforming the international protection regime: the dilemma of states and individuals**

A number of proposals have been developed in recent years concerning how the international refugee and protection regime could be reformed or changed in order to better meet the needs of unprotected persons who fall beyond the Refugee Convention definition. Some scholars, policy makers and practitioners have proposed that the definition of a refugee in the Refugee Convention be altered in order to reflect the changing realities of global politics. There are generally two main approaches to this kind of reform. On one hand, scholars and activists propose an expansion beyond the Refugee Convention's focus on persecution to encompass other causes of forced migration.<sup>47</sup> On the other hand, politicians, policy analysts and economists argue for a contraction of the existing definition of the refugee. They contend that increased numbers of refugees and asylum seekers 'has made the Refugee Convention too costly for governments in both social and economic terms'.<sup>48</sup> They further argue that changes in migration patterns as a result of the end of the Cold War – that is, a shift from East-to-West flows to South-to-North flows – further validates 'restrictions in access to durable asylum'.<sup>49</sup> Supporters of this view include a number of immigration ministers in developed countries, such as a former Australian immigration minister, Philip Ruddock.<sup>50</sup>

These different approaches highlight the substantial problems that arise with proposals to alter the definition of the refugee. Reaching agreement among states, international institutions and non-state actors as to how the definition should be altered would be almost impossible. Determining which groups should be included and excluded would also be highly problematic. Moreover, states have already agreed to the Refugee Convention in its current format. Any alterations could prompt some states to withdraw and make others unwilling to sign, ratify and implement the Refugee Convention, significantly impairing international protection efforts.<sup>51</sup>

Other scholars have suggested that the Refugee Convention is not in need of alteration as much as consistent application. Currently, states interpret and apply the Refugee Convention according to their own legal parameters. Arboleda and Hoy have argued that establishing a consensual international understanding of the Refugee Convention is the most pressing problem, as it will increase the validity of international refugee law as well as substantially improving the speed and effectiveness of providing protection for ‘genuine’ refugees.<sup>52</sup> While consistency would provide some clarity for international human rights and refugee lawyers and for refugees and asylum seekers themselves it still does not resolve the protection needs of those who flee but who do not fit the Refugee Convention definition of a refugee. Exactly *how* to achieve consensus on a consistent interpretation and application of the Refugee Convention also remains unresolved.

One set of proposals that seeks to address this shortcoming suggests that a new institutional framework should be developed to meet the needs of unprotected persons who fall outside the Refugee Convention parameters and subsequently outside the mandate of the UNHCR. These proposals have included the adoption of an optional protocol specific to climate or environmental refugees, the creation of a small specific UN agency to deal with the issue, and changes to global migration instruments to include temporary protection schemes for those temporarily displaced as a result of environmental disasters.<sup>53</sup> Attached to such proposals is the risk that temporary protection schemes could be manipulated by states to limit the numbers of unprotected persons they are required to accept on a permanent basis. This situation has already occurred in Australia.<sup>54</sup> Although temporary protection visas were abolished in 2008 following the election of the Labor Government, the current Opposition seeks to reintroduce them for ‘successful’ asylum seekers.<sup>55</sup>

The most workable of proposals for new institutional arrangements appears to be Alexander Betts’ soft law and survival migration model. Betts’ model does not require substantial revisions to the Refugee Convention or an additional protocol. Betts argues that rather than changing or adding new institutions, there are a number of ways in which existing institutional frameworks can be ‘made to work better to enable states to collectively fulfil human rights obligations to which they are already committed.’<sup>56</sup> Betts suggests the development of a ‘soft law’ framework, similar to the UNHCR’s existing guidelines on IDPs, which would be based on existing International Human Rights Law. This framework would be developed primarily in order to meet the needs of ‘survival migrants’, a category of persons requiring protection from the international community, but who do not necessarily meet the criteria as set out in the Refugee Convention.<sup>57</sup> This ‘soft law’ framework would provide guiding principles for state authorities on how survival migrants and other unprotected persons should be treated by receiving states and the types of protection to which they are entitled.<sup>58</sup> Institutional responsibility for co-ordinating the care

and protection of persons covered by this soft law framework would need to be clearly designated to either the UNHCR or the International Organization for Migration or to a smaller, specially established UN agency to deal specifically with survival migrants and unprotected persons who fall beyond the scope of the Refugee Convention. The UNHCR would still bear primary responsibility for providing protection for those identified as refugees under the provisions of the Refugee Convention.<sup>59</sup> The soft law framework would compliment rather than replace the Refugee Convention, thus accommodating both those individuals requiring protection from persecution and those threatened by environmental disasters, state collapse and economic hardship.

Betts proposal is simple and clear, yet, as Betts notes himself, is limited by the willingness of states to agree to and implement any new forms of protection that will place increasing burdens on their resources.<sup>60</sup> Developed states in particular are presently more focused on asserting sovereignty through border control than they are in upholding and protecting human rights.<sup>61</sup> In Global North countries, this position reinforces and is reinforced by the negative attitudes of domestic populations towards refugees, asylum seekers and other unprotected persons in the international community.<sup>62</sup>

This reassertion of sovereignty and reluctance to provide protection suggests a tension regarding the relationship between states and individuals in global politics. They point to unresolved questions in International Relations (IR) theory regarding the purpose of the state and the sources of power and authority in global politics.<sup>63</sup> In the particular context of international protection regimes, this tension also suggests that there are potential problems in the discourses and frameworks through which we consider questions of protection and the security of individuals and states. The tension between sovereignty and providing protection emphasises the need to look at the various different levels of the international protection regime—its practical and legal dimensions as well as its conceptual and theoretical dimensions. I suggest that by considering new conceptual approaches to the problem of protection it might be possible to develop a more comprehensive view of how the different dimensions of international protection influence one another. International protection regimes are predominantly conceptualised, debated and implemented through the lens of a rights-based framework. Yet, as I shall highlight in the next section, rights discourse has a number of shortcomings. I explore the potential of hospitality to address those shortcomings.

#### **From pure rights to rights and hospitality: possibilities for reframing the issues**

Modern international human rights and refugee law are grounded in the liberal cosmopolitan language of universal rights.<sup>64</sup> Rights have become a powerful concept in global politics, providing important tools for individuals to defend themselves against the excesses of governments,

for IGOs and NGOs to advocate and campaign for greater respect for the dignity of each human person and also as a political tool for governments in their foreign policies and international relations.<sup>65</sup> The language of rights is clearly a powerful enabling and emancipatory discourse. Yet it is not without its problems. Here I wish to highlight three problems that relate to the identity of the unprotected person, their claim to rights and their relationship with the state in international politics.

The first dilemma presented by rights discourse is its tendency to 'deface' individuals. Baker has highlighted that liberal, universal, cosmopolitan rights discourse constructs the human being as 'abstract, formal', equal and in that sense interchangeable.<sup>66</sup> It removes the uniqueness of each individual. Thus, individual experiences, skills, talents and so on are excluded from the discourse of rights. The same may be observed in relation to the state – through rights discourse, one state becomes very much like another.

This abstract, legal construction of human beings and states as rights bearers and as bearers of obligations and responsibilities has the further unintended consequence of removing morality and ethics from the problem of providing protection. Providing protection becomes a purely legal transaction, with states undertaking to do what the law requires (and sometimes, less than the law requires, depending on how states are able to manipulate, interpret or even ignore the law)<sup>67</sup> and no more. Compassion, morality and ethical obligations are neutralised and removed through the establishment of the law and the removal of individuality, uniqueness and humanity from the figure of the rights bearer under international law. This is a double-edged sword. The rights-based approach performs the important move of making every individual equal before the law and therefore less likely to experience discrimination and injustice in the judicial process. At the same time, however, at least with regard to international protection, a rights based approach can be reduced to technical legal deliberation. It removes the humanity of the people in question, leaving little if any room for consideration of the particular needs, desires and aspirations of the individuals involved, or of the resources they already possess for dealing with and resolving their own problems. To put it another way, the agency and autonomy of individuals requiring protection is removed through a purely rights-based discourse. They become passive recipients of rights and protection, rather than living, breathing agents.<sup>68</sup>

A second and related problem with a rights-based framework is that unprotected persons first need to be able to identify themselves as entitled to a specific set of rights before they are welcomed into a community. An asylum seeker must prove they are a refugee in order to claim welcome into the political community of the state. A stateless person has even less claim to rights, since in practice asylum rights are conferred through citizenship.<sup>69</sup> Thus, the individual is dependent on the state for the realisation of their rights, placing the state permanently in the position of power, authority and

autonomy, and the individual in the position of vulnerability, obligation and subjection. Further, once the unprotected person is identified as a 'refugee', 'asylum seeker', 'IDP' and so on, their interaction with protection agencies and bureaucracies is filtered through the lens of that legal identity in place of more humanising characteristics.<sup>70</sup>

A further problem with rights discourse particularly in the international context is that the rights of individuals and the rights of states are often positioned in opposition to one another. The task of international human rights and refugee law becomes how to balance the rights of the individual against the rights of the state. This framework presents a rather limited, negative conception of the relationship between states and individuals in global politics. It seems to ignore the shifting identities and responsibilities of states and individuals, the growing role of non-state actors in global protection regimes, both as sources of persecution and insecurity and as providers of protection,<sup>71</sup> and the influence of domestic populations of states on their policies and practices towards unprotected persons.

Hospitality, understood as an ethical framework, offers one possible approach through which these three dilemmas raised by rights discourse may be offset. Hospitality is primarily a theoretical lens through which to conceptualise relationships between the Self and the Other, the host and the guest, to explore questions of identity and difference and develop ethical responses to the stranger.<sup>72</sup> There are a number of different traditions of hospitality ethics, stemming from a variety of religious and philosophical perspectives. Here I focus predominantly on insights from Jacques Derrida, with some reference also to the work of Emmanuel Levinas and recent writings in IR. Hospitality has been receiving increasing attention from IR theorists in recent times. It is particularly relevant to issues related to asylum seekers, refugees and other unprotected persons in global politics, as it is focused on questions of welcome and identity, in particularly the identity of the Self ('host'), the Other ('guest') (the specific, immediate and near Other) and the Third (a term taken from Levinas which refers to the whole of humanity, the distant Other). Thus, hospitality invites us to consider both those unprotected persons who arrive on our door seeking assistance and welcome, and those far off who have not yet asked for our help.<sup>73</sup> Hospitality further has the potential to transform abstract, legal, contractual arrangements of protection into meaningful relationships concerned about wellbeing, not simply protection from harm. Following Philip Hallie, this would involve a shift from a negative injunction against cruelty and protection from harm to an attitude of compassion, grace, mercy and generosity, commitment to ensuring positive wellbeing and opportunities for development and fulfilment.<sup>74</sup>

With its roots in postmodern theory, hospitality discourse disrupts the tendency towards dualism that characterises much liberal cosmopolitan thinking with regard to political communities, boundaries, insiders

and outsiders. Similar to Prokhovnik's feminist critique of dichotomy,<sup>75</sup> hospitality proposes a 'both/and' model of thinking,<sup>76</sup> in response to dominant liberal modernist models based in 'either/or' patterns. This 'either/or' pattern is evident in rights-based approaches to protection where the rights of the state and the rights of the individual are played off against each other. Hospitality overcomes the impasse between the rights of the state and those of the individual because both are seen as mutually reinforcing and mutually beneficial. The rights of the state, when they are upheld, support and reinforce the rights of the individual, and the rights of the individual support and reinforce the rights of the state. The rights of the individual, particularly in the context of protection, are often seen as a gift from the state.<sup>77</sup> Yet the very fact that an individual is in need of protection is often a product of the state, or the modern states-system. The rise of the modern state has created the person of the refugee in modern international politics,<sup>78</sup> and the refugee and the state reinforce each other's identity and position within the international system. The state is in part responsible for the individual's displacement, because the state created the person of the refugee to begin with. Consequently, the state reinforces the identity of the refugee and has some obligation to offer protection to the person who has been displaced by the states-system. Conversely, the person of the refugee underlines the state's right to decide who is entitled to protection and who is not, thus reinforcing the identity and power of the state. Further, the individual is obligated to the state if they are to enjoy its protection – they must abide by the rules of the state and confess allegiance and loyalty to the state that protects them.<sup>79</sup> Thus, state and refugee, host and guest, exist in a mutually beneficial, mutually reinforcing and mutually obligatory relationship. Whereas a rights-based discourse always takes the position of the state/host as fixed, hospitality places it in question, emphasising that the state is not fixed and enduring, but a construct, constantly negotiating and renegotiating its identity.<sup>80</sup> Hospitality enables recognition of the inclusive 'both/and' structure that exists between state and refugee, rather than the more limited rights-based 'either/or' approach.

This 'both/and' model also opens up the possibilities for more than two actors to be considered in any conceptual framework, since the 'and' can be multiplied. This structure in theories of hospitality addresses another shortcoming of the rights-based framework with regard to international protection regimes, which predominantly focus on only two actors: the state and the individual. As we have seen, there are numerous other actors emerging that are playing a significant role in the evolving norms and institutions surrounding protection in global politics.<sup>81</sup> Hospitality opens up space for participation by and consideration of actors currently excluded by rights discourse from the theory and practice of protection.

Derrida conceptualises hospitality as existing in two irreducible forms: the conditional and the unconditional. Unconditional hospitality is thought to be the ideal type, yet is also unachievable.<sup>82</sup> If unconditional hospitality is

offered, eventually the host loses its home and is no longer able to offer any type of hospitality at all. If the state were to offer unconditional hospitality to all who sought protection, it would soon lose its capacity to provide effective protection to anyone, including existing citizens. Consequently, the type of hospitality that is offered must always be conditional. Yet conditional hospitality must always be offered with unconditional hospitality in mind so as to strive to achieve the ethical response implicit in unconditional hospitality.<sup>83</sup>

Baker offers a neat restatement of Derrida's notion of ethics as hospitality as a 'double law':

We cannot practice ethics as hospitality – opening our door to specific, named others – without limiting it, but we cannot imagine ethics as hospitality without creating the demand for its unlimited form – a leaving open of the door to the unannounced, unexpected and unforeseeable arrival of the unknown, nameless Other. In short, the two poles, limited and unlimited hospitality, are both inseparable from and yet also irreducible to one another. They “defy dialectics” because there is a “double law” or double bind at play – two equally imperious imperatives pull us in different directions each time we offer hospitality.<sup>84</sup>

In the context of providing protection, hospitality implies that protection must be offered in the first place unconditionally and to the unnamed unknown other. Yet unconditional hospitality cannot be offered indefinitely, since this will eventually lead to the usurpation of the host's home, and consequently the host being unable to offer hospitality to the other any longer. Thus the host must offer conditional hospitality to the other, on the understanding that there will always be more others who will require protection, but also always aspiring to offer protection and welcome unconditionally. The ideal of unconditional hospitality must always somehow be acknowledged and present in conditional hospitality.

I suggest that current rights-based approaches to protection resemble conditional hospitality, yet without the acknowledgement and presence of unconditional hospitality that ethics as hospitality requires. Conditional hospitality places the host in the position of power and places limitations on the welcome offered to the guest. From a purely rights-based discourse, states occupy the predominant position of power in the international protection regime because they have authority to determine who is and is not a refugee and who is and is not entitled to protection. Thus, states automatically appear to occupy the position of host and individuals seeking protection are guests, when translated into the language of hospitality. Yet hospitality also emphasises that the roles of host and guest are not fixed; that power comes from a number of different sources.<sup>85</sup> A person is host not only within a fixed geographic space but can also be host to ideas or experiences, which they then invite others to participate in as their guests. This insight has important ramifications for attitudes and policies towards



asylum seekers and refugees. While nation-states and their populations may be the hosts of the safe space into which asylum seekers and refugees come as guests, the asylum seekers and refugees themselves possess ideas, experiences, skills, talents and stories that they as hosts can share with and thereby enrich their new community. Related to this, the UNHCR has in recent times emphasised the benefits of refugees obtaining the status of legal migrants to their country of asylum, rather than relying solely on refugee status. Migrant status provides more security and opportunities for refugees.<sup>86</sup> This again highlights the importance of a conceptual framework that allows for fluidity of identities of the actors involved in the international protection regime.

It is also important to emphasise that refugees and asylum seekers who receive the protection of a host state do not remain refugees and asylum seekers dependent on the support and resources of the host state. Given time, these individuals establish new identities for themselves and become important contributors to the economy, social fabric and political life of the host state, even contributing to the host state being able to offer hospitality to other unprotected persons in the international community.<sup>87</sup> The guest, then, becomes the host. Thus, again, the recognition that the roles of host and guest are not fixed but fluid and shifting becomes significant in the context of relationships between states and individuals, particularly individuals in need of protection.

These conceptual changes that result from combining rights and hospitality have five main implications for the practice of protection in global politics. These implications are small and do not by any means provide a lasting solution to the complex dilemma of vulnerability and protection. Nonetheless they may contribute to improving conditions for unprotected persons. These implications relate to the relationship between state and individual, the actors involved in international protection, language surrounding protection and the redefinition of the purpose of protection.

Firstly, developing a conceptual framework that combines rights and hospitality highlights the mutually beneficial, mutually reinforcing and mutually obligatory relationship that exists between states and individuals requiring protection. In doing so, the power imbalance between states and individuals inside a purely rights-based framework is reduced. The position and identity of the state is revealed to be dependent on the figure of the refugee/asylum seeker/unprotected person, just as the refugee/asylum seeker/unprotected person is dependent on the state to provide protection. This interdependent relationship requires that a level of humility enters into the identity and position of the state, while a sense of empowerment becomes part of the identity of unprotected persons. The host is also the guest and the guest is also the host. The first practical implication, then, is that discourses and practices around protection need to shift in order to reflect the more equal relationship between state and individual. This is part of the 'both/and' model of thought implicit within hospitality.

The second implication arising from the 'both/and' model is the expansion of discussions and negotiations around international protection to incorporate all relevant actors. It is not only states and intergovernmental organisations that are necessary to the process and provision of protection, but NGOs, multinational corporations, non-state militias, faith-based organisations and, of course, the individuals themselves. Thus, hospitality promotes a change in how international protection is governed and carried out.

This relates to a third practical implication, which is the empowerment of the unprotected person. Through introducing hospitality to theories and practices of international protection, agency is returned to refugees, asylum seekers, stateless people and other vulnerable groups in global politics. While they are vulnerable, they are not passive or powerless. Hospitality opens up the space for recognising the capabilities of unprotected people and enabling them to actively participate in processes to secure their own protection and wellbeing.

Bringing hospitality into thinking about international protection further promotes a shift from reactive responses to migration flows to a pro-active approach addressing the causes of forced migration. Hospitality directs our attention to the distant Other, the Third, as well as the Other who is near. Through bringing in hospitality, international protection is not simply about providing asylum to those near and immediately present but also providing assistance to those who are far off. The connections between international protection and international aid and development are highlighted through hospitality, encouraging practitioners in these areas to work together more closely.

The final practical implication is that hospitality shifts protection from being a cold, technical, legal undertaking to being a relationship infused with warmth, welcome and compassion. The inclusion of hospitality's 'double law' in understandings of protection means that protection moves from being a negative duty to a positive requirement to defend, but also to make welcome and enable. Conditional hospitality must always be offered with the unconditional in mind. Thus, the legal requirements of states to provide protection become coupled with the need to make unprotected people feel welcome and safe through shifting discourses around immigration and protection in countries of asylum and through encouraging and promoting greater understanding, compassion and generosity among domestic populations in countries of asylum.

## Conclusion

Throughout this article I have endeavoured to highlight some of the most significant problems with how we conceptualise and practice protection within global politics, particularly as it affects understandings of the relationship between individuals and the state. As well as outlining

problems in established institutional, legal, practical frameworks geared towards protection, I have also explored shortcomings in how these issues are conceptualised. Much current thinking is based within a liberal cosmopolitan rights-based framework, which, while it has its merits, also has some unintended limiting affects on the ways in which we conceive the right to and responsibility for protection in global politics. In particular, these problems relate to how we conceptualise individuals and states, both in isolation and in relation to one another, the lack of recognition of other actors involved in the global protection regime and how the process of protection itself is understood. I have here discussed the possibility of combining the rights-based framework with hospitality as a means for addressing some of these problems and opening up new ways of thinking about the problems of protection and their solution. Where a cosmopolitan rights-based framework has the effect of situating states and individuals in opposition to one another, hospitality enables a recognition of the mutually beneficial, mutually reinforcing and mutually obligated relationship that exists between states and individuals, as well as a recognition of other actors involved in the international protection regime. Through hospitality the interconnections between protection and aid and development become more acute. Hospitality further endeavours to overcome the dehumanising and disempowering effect that a rights-based framework can have on how unprotected persons are considered and discussed. In addition, hospitality emphasises that identities are not fixed, states are not always 'hosts' and individuals are not always 'guests'. Rather, identities shift and change. Finally, hospitality reminds us that protection is not simply a legal, technical, dispassionate undertaking but a relationship that requires compassion, understanding and generosity.

Hospitality is but one possible way by which a rights-based framework might be enriched and expanded. Issues relating to protection of vulnerable people in the world are complex. Enduring solutions will take time to develop. Indeed, they may never be fully developed, as new sources of insecurity and vulnerability will inevitably arise. It is therefore essential to continue exploring new ways to think about and practise protection of vulnerable people in the evolving global political context of the twenty-first century.

Erin K. Wilson <erin.wilson@rmit.edu.au> is a Research Fellow in the Globalism Research Centre and Global Cities Institute at RMIT University. She has a number of publications focusing on religion and global politics, refugees and asylum seekers in Australia. Dr Wilson is currently completing work on a book manuscript, *Beyond Secularism: Rethinking Religion in International Relations*, to be published by Palgrave Macmillan in 2011.

## Endnotes

1. The author would like to thank two anonymous reviewers and in particular Anne McNevin and Meg Brodie for comments and suggestions on earlier drafts of this paper. All errors remain my own.
2. J. Mertus, 'The state and the post-cold war refugee regime: new models, new questions', *International Journal of Refugee Law*, vol. 10, no. 3, 1998, p. 325.
3. A. Betts, 'Survival migration: a new protection framework', *Global governance*, 2010 forthcoming; E. Feller, 'The responsibility to protect: closing the gaps in the international protection regime', in J. McAdam, ed., *Forced migration, human rights and security*, Oxford: Hart Publishing, 2008, p. 285.
4. UNHCR Global Appeal 2010-2011 – populations of concern to UNHCR, <www.unhcr.org/4b04002b9.html>, accessed 13 July 2010.
5. R. Devetak, 'In fear of refugees: the politics of border protection in Australia', *The International Human Rights Journal*, vol. 8, no. 1, 2004, p. 103.
6. Betts, 'Survival migration'.
7. See, for example, E. Arboleda and I. Hoy, 'The Convention refugee definition in the West: disharmony of interpretation and application', *International Journal of Refugee Law*, vol. 5, no. 1, 1993, p. 66; Betts, 'Survival migration'; R. Devetak, 'In fear of refugees', p. 103.
8. M. Welch and L. Schuster, 'Detention of asylum seekers in the US, UK, France, Germany and Italy: a critical view of the globalizing culture of control', *Criminal Justice*, vol. 5, no. 4, 2005, pp. 331–2.
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10. 'We're tougher on asylum seekers, says Abbott', *The Sunday Age*, 18 July 2010; T. Costello, 'Australia can have stronger borders and a bigger heart', *The Age*, 19 July 2010.
11. G. Baker, 'Cosmopolitanism as hospitality: revisiting identity and difference in cosmopolitanism', *Alternities*, no. 34, 2009, pp. 107–28.
12. There are a number of regional documents addressing the issue of protection, including the 1969 Organisation of African Unity (OAU) Convention, the 1984 Cartagena Declaration, the 2004 EU Directive on the right to seek asylum, as well as documents developed by the UNHCR supplementary to the Refugee Convention, such as the guiding principles on internally displaced persons. While each of these documents is significant for international refugee law, most of them are regional and thus do not apply to all countries of asylum, or they are 'soft law' frameworks, rather than binding international treaties. I do not attempt to address the implications of each of these documents here.
13. Article 1A(2) of the 1951 *Convention relating to the Status of Refugees* as modified by article 1(2) of the 1967 *Protocol Relating to the Status of Refugees*.
14. S. Castles, 'International migration at the beginning of the twenty-first century: global trends and issues', *International Social Science Journal*, vol. 52, no. 165, 2000, p. 271.

15. J. Crisp, 'Beyond the nexus: UNHCR's evolving perspective on refugee protection and international migration', *New Issues in Refugee Research*, Research Paper No. 155, UNHCR, 2008, <[www.unhcr.org/4818749a2.html](http://www.unhcr.org/4818749a2.html)>, accessed 28 May 2010. UNHCR instead employ the phrases 'refugee protection' and 'durable solutions' rather than 'asylum'. There appears to have been no direct substitute term for 'asylum seeker'.
16. UNHCR Global Appeal 2010.
17. A. Fortin, 'The meaning of "protection" in the refugee definition', *International Journal of Refugee Law*, vol. 12, no. 4, 2000, p. 548.
18. Fortin, 'The meaning of "protection"', p. 556.
19. *ibid.*, pp. 551-2.
20. *ibid.*, pp. 556-8.
21. Article 14(1) of the 1948 *Universal Declaration of Human Rights*. It should be noted that the UDHR, as a declaration, is not legally binding, but has been the source and inspiration of human rights treaties and conventions in international law which are legally binding: A. Edwards, 'Human rights, refugees and the right to enjoy asylum', *International Journal of Refugee Law*, vol. 17, no. 2, 2005, pp. 293-330. As Haddad has pointed out, however, there is no place in international law where the right to be granted asylum is guaranteed, only the right to seek it. See E. Haddad, *The refugee in international society: between sovereignty*, Cambridge University Press, 2008, p. 79.
22. Fortin, 'The meaning of "protection"', p. 550.
23. *ibid.*, p. 551.
24. M.E. Price, *Rethinking asylum: history, purpose and limits*, Cambridge University Press, 2009, pp. 103-4, 116.
25. *ibid.*, p. 116.
26. Article 1A(2) of the 1951 *Convention relating to the Status of Refugees* as modified by article I(2) of the 1967 *Protocol Relating to the Status of Refugees*.
27. Betts, 'Survival migration'; J. Fitzpatrick, 'Revitalizing the Refugee Convention', *Harvard Human Rights Journal*, vol. 9, 1996, p. 230; C.O. Miranda, 'Toward a broader definition of refugee: twentieth century development trends', *California Western International Law Journal*, vol. 20, 1989-90, p. 316; S. Leckie, 'Another step towards indivisibility: identifying the key features of violations of economic, social and cultural rights', *Human Rights Quarterly*, vol. 20, no. 1, 1998, pp. 81-124.
28. Betts, 'Survival migration'.
29. This is not to say that there are *only* three shortcomings. Rather, these are the three most highlighted shortcomings in the literature.
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31. S. Kuthner, 'Gender-related persecution as a basis for refugee status: the emergence of an international norm', *Refugee*, vol. 16, no. 4, p. 17.
32. Arboleda and Hoy, 'The Convention refugee definition in the West', pp. 66-7.
33. E. Haddad, 'Who is (not) a refugee?' *European University Institute working paper*, 2004, <<http://cadmus.eui.eu/dspace/bitstream/1814/1911/1/sp52004-06.pdf>>, accessed 16 June 2010.
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35. Arboleda and Hoy, 'The Convention refugee definition in the West', p. 66.
36. Price, *Rethinking asylum*, p. 103.
37. Mertus, 'The state and the post-cold war refugee regime', p. 324.
38. *ibid.*, p. 325.
39. *ibid.*, p. 326.
40. Conclusion 3 of the Cartagena Declaration on Refugees. The Cartagena Declaration is not a legally binding instrument, although it may have contributed to the development of regional custom (thanks to Savitri Taylor for this point). The OAU Convention refers specifically to 'external aggression, occupation, foreign domination or events seriously disturbing public order' (Article 1 of the 1969 *Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa*). While the general spirit of these documents is adopted by the UNHCR in practice elsewhere, there is no specific clause within international treaties relating to refugee law that explicitly discusses generalised violence, meaning that states which have not signed OAU Convention do not have to recognise generalised violence as a legitimate cause for flight. This may appear to be 'splitting hairs', so to speak, but in an age where states are trying ever more fervently to restrict who is eligible for protection and who is not, this would seem to be an important point.
41. Betts, 'Survival migration'.
42. *ibid.*
43. Leckie, 'Another step towards indivisibility', p. 82; Mertus, 'The state and the post-cold war refugee regime', pp. 330-2.
44. E. Piguet, 'Climate change and forced migration', *New Issues in Refugee Research*, Research Paper No. 153, 2008, UNHCR, <[www.unhcr.org/research/REFSEARCH/47a316182.pdf](http://www.unhcr.org/research/REFSEARCH/47a316182.pdf)>, accessed 28 May 2010.
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46. Piguet, 'Climate change and forced migration', p. 8.
47. Fitzpatrick, 'Revitalizing the 1951 Refugee Convention', pp. 229-30.
48. *ibid.*, p. 230.
49. *ibid.*
50. Develak, 'In fear of refugees', p. 103.
51. Fitzpatrick, 'Revitalizing the 1951 Refugee Convention', p. 234.



52. Arboleda and Hoy, 'The Convention refugee definition in the West', pp. 67-68.
53. Betts, 'Survival migration', Pignat, 'Climate change and forced migration', pp. 8-9.
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56. Betts, 'Survival migration'.
57. *ibid.*
58. *ibid.*
59. *ibid.*
60. Betts, 'Survival migration', Fitzpatrick, 'Revitalizing the 1951 Refugee Convention', p. 230.
61. Welch and Schuster, 'Detention of asylum seekers', pp. 331-2.
62. Devetak, 'In fear of refugees', p. 101; Mertus, 'The state and the post-cold war refugee regime', pp. 327-8; E. K. Wilson, 'From apathy to action: promoting active citizenship and global responsibility amongst populations in the global North', *Global Society*, vol. 14, no. 2, 2010, p. 283.
63. J.S. Barkin and B. Cronin, 'The state and the nation: changing norms and the rules of sovereignty in international relations', *International Organization*, vol. 48, no. 1, 1994, pp. 112-3.
64. G. Baker 'The "double law" of hospitality: rethinking cosmopolitan ethics in humanitarian intervention', *International Relations*, vol. 24, no. 1, 2010, p. 95; C. Douzinas, *The end of human rights*, Hart Publishing, Oregon, 2000, p. 2.
65. Mertus, 'The state and the post-cold war refugee regime', p. 325; K. Roth, 'Defending economic, social and cultural rights: practical issues faced by an international human rights organization', *Human Rights Quarterly*, vol. 26, no. 1, 2004, p. 64.
66. Baker, 'The "double law" of hospitality', p. 95.
67. Arboleda and Hoy, 'The Convention refugee definition in the West', pp. 77-8.
68. I am grateful to Anne McNevin and two anonymous reviewers for assisting me in developing this point.
69. Fortin, 'The meaning of "protection"', pp. 551-2; Consider as an example the case of Al-Kateb v. Godwin. The High Court of Australia found that owing to Al-Kateb's status as a stateless person whose claim for asylum was denied, there was nothing in Australian legislation that prevented the Australian government from keeping him imprisoned indefinitely. Al-Kateb v. Godwin [2004] HCA
- 37; 219 CLR 562; 208 ALR 124; 78 ALJR 1099, 6 August 2004, <www.austlii.edu.au/au/cases/cth/HCA/2004/37.html>, accessed 30 June 2010. Fortin, however, argues that the state is responsible for providing protection for all individuals residing within its borders, regardless of their nationality. He bases this argument on the fact that individuals owe some level of allegiance to the state in which they reside, even if they are not a citizen. Hence, in return for their allegiance, the state has the responsibility of protecting them from harm. See Fortin, 'The meaning of "protection"', pp. 551-2.
70. Baker, 'The double law of hospitality'.
71. Consider, for example, the role of non-state actors in persecuting groups and individuals in internal conflicts such as in Uganda (M. Ssenyonjo, 'Accountability of non-state actors in Uganda for war crimes and human rights violations: between Amnesty and the International Criminal Court', *International Journal of Conflict and Security Law*, vol. 10, no. 3, 2005, p. 405) and in the context of human rights abuses occurring as the result of torture, human trafficking and gender-related persecution conducted by non-state actors (T. Obokata, 'Smuggling of human beings from a human rights perspective: obligations and non-state and state actors under international human rights law', *International Journal of Refugee Law*, vol. 17, no. 2, 2005, p. 394). Conversely, non-state actors also play an important role in providing asylum and sanctuary for unprotected persons. For example, US churches and Salvadoran and Guatemalan asylum seekers (C.P. Blum, 'The settlement of American Baptist Churches v. Thornburgh: landmark victory for Central American asylum-seekers', *International Journal of Refugee Law*, vol. 3, no. 2, 1991, pp. 347-56); Le Chambon community in France and Jewish refugees during World War II (P. Hallie, 'From cruelty to goodness', *The Hastings Center Report*, vol. 11, no. 3, 1981, pp. 23-8), and German and other European churches providing sanctuary for asylum seekers today (I. Koop, 'Refugees in church asylum: intervention between political conflict and individual suffering', *Peace and Conflict: Journal of Peace Psychology*, vol. 11, no. 3, 2005, pp. 355-65).
72. Baker, 'Cosmopolitanism as hospitality', pp. 109-10.
73. D.J. Gauthier, 'Levinas and the politics of hospitality', *History of Political Thought*, vol. 28, no. 1, 2007, p. 166.
74. Hallie, 'From cruelty to goodness', p. 26.
75. R. Prokhovnik, *A feminist critique of dichotomy*, Manchester University Press, 2003.
76. G. Baker, 'The politics of hospitality: sovereignty and ethics in political community', in G. Baker and J. Bartelson, eds, *The future of political community*, Routledge, Hoboken, 2009, p. 51.
77. Fortin, 'The meaning of "protection"', pp. 551-2.
78. A. Zolberg, 'The formation of new states as a refugee-generating process', *The Annals of the American Academy of Political and Social Science*, vol. 467, no. 1, p. 30.
79. I am grateful to Anne McNevin and an anonymous reviewer for highlighting this point.
80. Zolberg, 'New states as refugee-generating process', p. 30. I am grateful to an anonymous reviewer for emphasising this point.



81. Leckie, 'Another step towards indivisibility', p. 82; Mertus, 'The state and the post-cold war refugee regime', pp. 330–2.
82. J. Derrida, *Adieu: to Emmanuel Levinas*, trans. P. Brault and M. Nass, Stanford University Press, 1999, pp. 20–1.
83. *ibid.*
84. Baker, 'The politics of hospitality', pp. 52–3.
85. L.M. Russell, *Just hospitality: God's welcome in a world of difference*. Westminster John Knox, Louisville, 2009, p. 84; T.E. Reynolds, 'Towards a wider hospitality: rethinking love of neighbour in religions of the book', *Irish Theological Quarterly*, vol. 75, no. 2, 2010, p. 182.
86. Crisp, 'Beyond the nexus', p. 6.
87. Examples of this include Vietnamese refugees in Australia who, some 30 years on, have well-established businesses and fulfilling careers. See, for example, D. Barnes, 'Resettled refugees' attachment to their original and subsequent homelands: long-term Vietnamese refugees in Australia', *Journal of Refugee Studies*, vol. 14, no. 4, 2001, p. 404; D. Murphy and Y. Narushina, "'I turn them back" mantra rejected in 1979', *The Age*, 1 January 2010.